

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

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CONSUMER DATA INDUSTRY  
ASSOCIATION,

Plaintiff,

v.

AARON M. FREY, in his official capacity as  
Attorney General of the State of Maine, and  
WILLIAM N. LUND, in his official capacity  
as Superintendent of the Maine Bureau of  
Consumer Credit Protection,

Case No. 1:19-cv-00438-GZS  
Judge George Z. Singal

Defendants.

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**MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE* IN SUPPORT OF  
PLAINTIFF’S MOTION FOR JUDGMENT ON THE RECORD**

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Consistent with this Court’s Procedural Order allowing amicus participation if accompanied by an appropriate motion, Dkt. 12, PageID 24, the deadline for which was later extended to April 27, 2020, *see* Dkt. Text-Only Order dated Mar. 19, 2020, the American Financial Services Association (“AFSA”) respectfully moves this Court for leave to file the attached amicus brief in support of Plaintiff’s Motion For Judgment On The Record.\*

**INTEREST**

AFSA has a direct interest in this case. AFSA represents over 420 members, which cover every segment of the consumer-credit marketplace and provide consumers with numerous forms of credit. It regularly represents the interests of its members by filing amicus briefs in important cases, like this one, that involve issues of concern to the nation’s financial services community.

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\* Counsel for both parties have consented in writing to AFSA’s participation as amicus in this case.

### **DESIRABILITY AND RELEVANCE**

The Maine laws challenged here constitute a specific threat to the uniform and efficient consumer-credit-reporting system Congress created with the Fair Credit Reporting Act (“FCRA”). The State of Maine’s attempts to inject state law into the otherwise-uniform federal system negatively affects AFSA’s members—credit providers of various sizes who rely upon consumer credit reports in their daily operations—by imposing additional, state-specific reporting requirements that threaten to disrupt the uniform nationwide system of reporting currently in place. AFSA maintains a strong interest in the proper resolution of this case, and believes its unique perspective will provide additional insight into the issue before the Court, rather than merely duplicating the efforts of counsel for the parties.

As this Court has noted, “[a]lthough the Federal Rules of Civil Procedure are silent on the standard for appointing amicus curiae, the district court retains the inherent authority to appoint amicus curiae to assist it in a proceeding.” *Verizon New England v. Me. Pub. Utils. Comm’n*, 229 F.R.D. 335, 338 (D. Me. 2005). While “the Court has discretion to determine ‘the fact, extent, and the manner of participation by the amicus,’” *id.* (quoting *All. of Auto. Mfrs. v. Gwadowsky*, 297 F. Supp. 2d 305, 307 (D. Me. 2003)), it is generally “preferable to err on the side of granting leave” so as to provide the Court with an opportunity to consider additional perspectives or arguments, *Animal Prot. Inst. v. Martin*, No. CV-06-128 BW, 2007 WL 647567, at \*3 (D. Me. Feb. 23, 2007). And here, the Court has specifically solicited amicus briefing when accompanied by a proper motion. Dkt. 12, PageID 24.

### **CONCLUSION**

For the foregoing reasons, AFSA respectfully asks this Court to grant its motion for leave to file the attached amicus brief.

Dated this 27th day of April, 2020.

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\* *pro hac vice* motion pending

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of April, 2020, a true and accurate copy of the foregoing Motion To File Amicus Brief In Support Of Plaintiff's Motion For Judgment On The Record was served via the Court's CM/ECF system upon all counsel of record.

/s/ John J. Aromando

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